

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

JAMES F., by and through his next
friends, CHRISTINE F. and
MICHAEL F.,
Plaintiff,

v.

CLEAR CREEK INDEPENDENT
SCHOOL DISTRICT
Defendant.

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CIVIL ACTION NO. 4:23-CV-02063

**DEFENDANT’S RESPONSE THAT IT IS NOT OPPOSED TO PLAINTIFF’S
EMERGENCY MOTION FOR CONTINUANCE OF DEADLINE TO FILE
MOTIONS FOR SUMMARY JUDGMENT**

TO THE HONORABLE JUDGE OF THE COURT:

Comes now the Defendant Clear Creek Independent School District (“District”) and files its Response That It Is Not Opposed to Plaintiff’s Emergency Motion for Continuance of Deadline to File Motions for Summary Judgement. (Doc. No. 19).

1. The District **IS NOT OPPOSED** to Plaintiff’s motion. Currently pending is Plaintiff’s Motion for Leave to File Motion for Admission of Additional Evidence. (Doc. No. 13). The District filed a response that it was not opposed to Plaintiff filing the motion for leave, but that if it was granted, the District wanted time to oppose adding any evidence to the administrative record. (Doc. No. 14). The Parties subsequently filed an agreed motion asking that the District have until January 22, 2024 to file opposition to additional evidence if the motion for leave was granted. (Doc. No. 15). Document Numbers 13 and 14 have not been ruled on. Document 15 is no longer relevant.

2. Under the IDEA, the Court is to make a decision in the appeal based on the administrative record from the special education due process hearing. Cross-motions for summary judgment based on the administrative record are currently due February 16, 2024.

3. The issue of whether the administrative record will stand as it now exists in the Court's records or will be supplemented by additional evidence affects the Parties' ability to prepare their dispositive motions. The District agrees that until the matter is resolved regarding exactly what the administrative record contains, the date for filing dispositive motions should be continued.

4. The District does **NOT OPPOSE** Plaintiff's Emergency Motion for Continuance of Deadline to File Motions for Summary Judgement and joins with the Plaintiff in requesting this continuance until the matter of the administrative record is resolved.

Respectfully submitted,

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By: /s/ Janet L. Horton

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ATTORNEYS FOR DEFENDANT

CLEAR CREEK ISD

CERTIFICATE OF SERVICE

On February 13, 2024, I electronically filed the foregoing document with the Clerk of the Court of the United States District Court for the Southern District of Texas, using the electronic case filing system of the Court. I hereby certify that I have served all counsel and/or pro se parties of record electronically using the CM/ECF filing system or by any other manner authorized by Federal Rule of Civil Procedure 5(b)(2).

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